

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

THOMAS LINDSAY, JR.,)
Petitioner,)
v.) 1:15cv106
TOMMY CASTELLOE,)
Respondent.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on March 9, 2016, was served on the parties in this action. (ECF Nos. 10, 11.) Petitioner objected to the Recommendation. (ECF No. 12.)

The Court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination which is in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Respondent's Motion for Summary Judgment (ECF No. 5) is GRANTED, and that the Petition (ECF No. 1) is DISMISSED. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This, the 31st day of March, 2016.

/s/ Loretta C. Biggs
United States District Judge